

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

:

Plaintiff,

v.

:

KYLE JORDAN,

Case No. 3:16cr036

JUDGE WALTER H. RICE

Defendant.

:

DECISION AND ENTRY SUSTAINING DEFENDANT'S MOTION FOR
REVIEW OF DETENTION ORDER PURSUANT TO 18 U.S.C. § 3145(b)
(DOC. #13), AND RELEASING DEFENDANT ON BOND, SUBJECT TO
CERTAIN SPECIFIC CONDITIONS

Defendant has filed a Motion for Review of the Detention Order imposed by Chief Magistrate Judge Sharon L. Ovington, said motion filed pursuant to 18 U.S.C. § 3145(b) (Doc. #13). Pursuant to a thorough review of the Report of the Pretrial Services Office, under date of March 24, 2016; the two proceedings before the Chief Magistrate Judge, held on March 24 and 25, 2016; a thorough review of the record made during the oral hearing on the above motion of the Defendant, held April 7, 2016; and, not least of all, the factors to be considered by the Court in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, as set forth in 18 U.S.C. § 3142(g), the Defendant's motion is SUSTAINED, pursuant to the following reasoning:

1. It is clear that a duly impaneled Grand Jury has found probable cause to believe this Defendant committed a serious crime of violence.

2. While the Defendant has a prior, facially similar allegation against him arising from a 2006 incident, an incident which did not ripen into a prosecution, this Court is completely

unaware of whether said case was terminated short of prosecution because of the reluctance of the complaining witness to testify, because the matter was deemed unfounded or, for that matter, because of one of a myriad of reasons why allegations do not ripen into prosecutions.

3. This Defendant, with the exception of a prior Driving Under the Influence charge, reduced to a lesser offense, has no prior criminal record and served some eight years in the service of his country.

4. The Defendant has significant roots in the community, including two children, one of which lives in his home with the mother of the child, his fiancée.

5. Based upon all of the aforesaid, this Court concludes that there does in fact exist a combination of conditions of release that will reasonably assure the appearance of the Defendant as required and the safety of any other person and the community. Those conditions include the following, non-exclusive list of same:

a. The Defendant is to follow all the standard conditions of the Pretrial Services Office when this Court grants release.

b. The Defendant is to be released on an own recognizance bond, upon 24-hour, electronically monitored home detention, with no exceptions, save and excepting those expressly approved by the Pretrial Services Officer in advance, such as medical appointments, visits to his attorney's office for consultation, and the like.

c. The Defendant is to have absolutely no contact with any potential witnesses in this case. Should an allegation be lodged that the Defendant has violated this condition, if proven, the Defendant's bond will be revoked and he will be remanded to the custody of the United States Marshals Service to be detained pending trial.

WHEREFORE, based upon the aforesaid, this Court grants review of the Detention Order directed by the Chief Magistrate Judge and orders the Defendant released, upon the above terms

and conditions. It is the request of this Court that the Pretrial Services Officer prepare the required Entry, setting forth the above bond conditions, as well as those conditions standard to those released on bond by this Court.



April 12, 2016

WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record
United States Pretrial Services
United States Marshals Service